

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01171-EGS**

WERTH v. U.S. DEPARTMENT OF JUSTICE et al
Assigned to: Judge Emmet G. Sullivan
Cause: 05:552 Freedom of Information Act

Date Filed: 05/14/2018
Jury Demand: None
Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)
Jurisdiction: U.S. Government Defendant

Plaintiff**WAYNE R. WERTH**

represented by **WAYNE R. WERTH**
28545-039
BUTNER II
FEDERAL CORRECTIONAL
INSTITUTION
P.O. Box 1500
Butner, NC 27509
PRO SE

V.

Defendant**U.S. DEPARTMENT OF JUSTICE**

represented by **Rhonda Lisa Campbell**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
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Washington, DC 20530
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**U.S. MARSHALS SERVICE**

represented by **Rhonda Lisa Campbell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/14/2018		Initiating Pleading & IFP Application Received on 5/14/18. (zsth) (Entered: 05/22/2018)
05/14/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE, U.S. MARSHALS SERVICE filed by WAYNE R. WERTH.(zsth) (Entered: 05/22/2018)
05/14/2018	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by WAYNE R. WERTH (zsth) (Entered: 05/22/2018)
05/14/2018	<u>3</u>	PARTIAL PRISONER TRUST FUND ACCOUNT STATEMENT by WAYNE R. WERTH (zsth) (Entered: 05/22/2018)
05/31/2018	<u>4</u>	ORDER directing an initial partial filing fee in the amount of \$24.58 from Prison Account of WAYNE R. WERTH and granting <u>2</u> MOTION for Leave to Proceed In Forma Pauperis (see order for full details). Signed by Judge Colleen Kollar-Kotelly on 5/31/2018. (zrdj) (Entered: 06/04/2018)
05/31/2018		Case Assigned to Judge Emmet G. Sullivan. Unassigned is no longer assigned to the case. (zjd) (Entered: 06/05/2018)

06/05/2018	<u>5</u>	SUMMONS (4) Issued as to U.S. DEPARTMENT OF JUSTICE, U.S. MARSHALS SERVICE, U.S. Attorney and U.S. Attorney General. (zjd) (Entered: 06/05/2018)
06/06/2018	<u>6</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 6/06/18. (Attachment: # <u>1</u> Exhibit 1) (mac) (Entered: 06/06/2018)
06/25/2018	<u>7</u>	SUPPLEMENT (Additional Exhibits) re <u>1</u> Complaint filed by WAYNE R. WERTH. (jf) (Entered: 06/27/2018)
07/02/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 06/29/2018. RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 6/29/2018 (jf) (Entered: 07/03/2018)
07/20/2018	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/19/2018. Answer due for ALL FEDERAL DEFENDANTS by 8/18/2018. (tth) (Entered: 07/23/2018)
07/25/2018	<u>10</u>	NOTICE of Appearance by Rhonda Lisa Campbell on behalf of U.S. DEPARTMENT OF JUSTICE, U.S. MARSHALS SERVICE (Campbell, Rhonda) (Entered: 07/25/2018)
08/20/2018	<u>11</u>	ANSWER to <u>1</u> Complaint by U.S. DEPARTMENT OF JUSTICE, U.S. MARSHALS SERVICE.(Campbell, Rhonda) (Entered: 08/20/2018)
09/05/2018		MINUTE ORDER: On August 20, 2018, Defendant filed an Answer in response to the complaint brought by a prisoner and raising claims under the Freedom of Information Act (FOIA). Subsection (b) of Local Civil Rule 16.3 exempts prisoner actions and FOIA actions from the requirements of that rule and Federal Rules of Civil Procedure 16(b) and 26(f). Therefore, an Answer does little to advance the proceedings. Accordingly, Defendant shall propose a schedule to govern these proceedings on or before September 21, 2018. SO ORDERED. Signed by Judge Emmet G. Sullivan on 9/5/18. (ah) (Entered: 09/05/2018)
09/06/2018		Set/Reset Deadlines: Defendant Proposed Schedule due by 9/21/2018 (mac) (Entered: 09/06/2018)
09/06/2018	<u>12</u>	NOTICE of Response by Defendant by WAYNE R. WERTH (jf) (Entered: 09/11/2018)
09/21/2018	<u>13</u>	PROPOSED BRIEFING SCHEDULE re Order,, by U.S. DEPARTMENT OF JUSTICE, U.S. MARSHALS SERVICE. (Campbell, Rhonda) (Entered: 09/21/2018)
10/02/2018		MINUTE ORDER: The defendant's proposed briefing schedule is adopted, and the parties shall adhere to the following schedule. Defendant shall file its summary judgment motion in accordance with Local Civil Rule 7(a), (h) on or before October 26, 2018. Plaintiff shall file his opposition on or before December 14, 2018. Defendant shall file any reply on or before January 4, 2019. SO ORDERED.. Signed by Judge Emmet G. Sullivan on 10/2/18. (ah) (Entered: 10/02/2018)
10/02/2018		Set/Reset Deadlines: Defendant Summary Judgment Motion due by 10/26/2018. Plaintiff Opposition due by 12/14/2018. Defendant Reply due by 1/4/2019. (mac) (Entered: 10/02/2018)
10/26/2018	<u>14</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE, U.S. MARSHALS SERVICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration Katherine Day, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C)(Campbell, Rhonda) (Entered: 10/26/2018)
11/02/2018	<u>15</u>	Order advising plaintiff to respond by December 14, 2018, to defendants' motion for summary judgment or risk entry of judgment in defendants' favor (see document for details). Signed by Judge Emmet G. Sullivan on 11/2/18.(ah) (Entered: 11/02/2018)

11/05/2018		Set/Reset Deadlines: Plaintiff Response To Defendants' Motion For Summary Judgment due by 12/14/2018. (mac) (Entered: 11/05/2018)
11/13/2018	<u>16</u>	MOTION for Extension of Time to File Response as to <u>14</u> MOTION for Summary Judgment by WAYNE R. WERTH (jf) (Entered: 11/15/2018)
01/02/2019		MINUTE ORDER granting nunc pro tunc <u>16</u> Plaintiff's Motion for an Extension of Time. SO ORDERED. Signed by Judge Emmet G. Sullivan on 1/2/19.(ah) (Entered: 01/02/2019)
01/02/2019	<u>17</u>	Memorandum in opposition to re <u>14</u> MOTION for Summary Judgment filed by WAYNE R. WERTH. "Leave to file GRANTED" signed by Judge Emmet G. Sullivan on 01/02/2019 (jf) (Entered: 01/15/2019)
01/18/2019	<u>18</u>	MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by U.S. DEPARTMENT OF JUSTICE, U.S. MARSHALS SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/18/2019)
01/25/2019		MINUTE ORDER denying motion to stay and granting extension to file joint status report. The parties are directed to file a joint status report with a recommendation for further proceedings by no later than February 18, 2019. Signed by Judge Emmet G. Sullivan on 1/25/2019. (lcegs2) (Entered: 01/25/2019)
01/28/2019		Set/Reset Deadlines: Joint Status Report due by 2/18/2019. (mac) (Entered: 01/28/2019)
01/28/2019		MINUTE ORDER: The directive in the minute order entered on January 25, 2019, for the parties to file a joint status report is VACATED. The time for defendants to file any reply to plaintiff's opposition to their summary judgment motion is hereby ENLARGED to February 12, 2019. SO ORDERED. Signed by Judge Emmet G. Sullivan on 1/28/19.(ah) (Entered: 01/28/2019)
02/19/2019	<u>19</u>	REPLY to opposition to motion re <u>14</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE, U.S. MARSHALS SERVICE. (Campbell, Rhonda) (Entered: 02/19/2019)
04/19/2019	<u>20</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. MARSHALS SERVICE served on 4/16/2019 (jf) (Entered: 04/22/2019)
09/12/2019	<u>21</u>	MEMORANDUM OPINION AND ORDER denying without prejudice <u>14</u> Defendant's Motion for Summary Judgment; directing defendant to supplement the record by October 25, 2019 (see document for details). Signed by Judge Emmet G. Sullivan on 9/12/19.(ah) (Entered: 09/12/2019)
09/13/2019		Set/Reset Deadlines: Defendant To Supplement The Record due by 10/25/2019. (mac) (Entered: 09/13/2019)
10/25/2019	<u>22</u>	RESPONSE TO ORDER OF THE COURT re <u>21</u> Order on Motion for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE, U.S. MARSHALS SERVICE. (Attachments: # <u>1</u> Declaration Luckstone)(Campbell, Rhonda) (Entered: 10/25/2019)